

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                                  4:11CR3023  
                                )  
v.                            )  
                                )  
CHRISTIAN G. LUPERCIO, )                                  MEMORANDUM AND ORDER  
                                )  
Defendant.                 )

The defendant has moved to continue the pretrial motion deadline currently set for March 31, 2011. (Filing No. 21). Defense counsel explains additional time is needed to review discovery received and decide if pretrial motions should be filed. Based on the showing set forth in the defendant's motion, the court finds the motions should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 21), is granted and the defendant's pretrial motions and briefs shall be filed on or before April 11, 2011.
- 2) The ends of justice served by granting defendant's motion to continue the pretrial motion deadline outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between March 31, 2011 and April 11, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) The trial of this case remains set to commence on May 9, 2011.

April 5, 2011

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge